

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GARY FREEMAN,

Plaintiff,

- against -

IOWA SPORTS MANAGEMENT,

Defendant.

**USDC SDNY
DOCUMENT
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DATE FILED: 10/29/10**

**REPORT AND
RECOMMENDATION**

10 Civ. 3349 (RJS) (RLE)

To the HONORABLE RICHARD J. SULLIVAN, U.S.D.J.,

This is a *pro se* action for employment discrimination under Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. § 2000e *et seq.* Plaintiff alleges that he was discriminated against at his job at Iowa Sports Management on the basis of his race and gender. Plaintiff filed the Complaint on April 14, 2010, and the matter was referred to the undersigned for general pretrial purposes on April 29, 2010.

On September 15, 2010, after determining that Defendant had not been served with a copy of the Summons and Complaint, the Court ordered Plaintiff to do so within fifteen days or show cause why the Complaint should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. As of today, Plaintiff has failed to serve Defendant, and has not contacted the Court or otherwise shown good cause why service has not been effectuated. Accordingly, I recommend that the above-entitled action be dismissed without prejudice for failure to comply with Rule 4(m) of the Federal Rules of Civil Procedure.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days after being served with a copy of the recommended disposition to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of

the Court and served on all adversaries, with extra copies delivered to the chambers of the Honorable Richard J. Sullivan, 500 Pearl Street, Room 640, and to the chambers of the undersigned, Room 1970. Failure to file timely objections shall constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985); *Small v. Secretary of Health and Human Services*, 892 F.2d 15, 16 (2d Cir. 1989) (*per curiam*); 28 U.S.C. §636(b)(1) (West Supp. 1995); Fed. R. Civ. P. 72, 6(a), 6(d).

DATED: October 29, 2010
New York, New York

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ronald L. Ellis", written over a horizontal line.

The Honorable Ronald L. Ellis
United States Magistrate Judge